

U.S. DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA – GREENVILLE DIVISION

This notice of appeal Larry Golden v. Apple Inc. et. al. Case No. 6:20-cv-04353-JD-KFM, and the previous notice of appeal Larry Golden v. Google LLC. Case No. 6:21-cv-00244-JD (notice and fee submitted on 11/22/21) are to be filed with the United States Court of Appeals for the Federal Circuit, not the United States Court of Appeals for the Fourth Circuit, for the following reasons.


The Federal Circuit, located in Washington, D.C., is one of the 13 federal United States Courts of Appeals. The Federal Circuit is unique among these appellate courts because its jurisdiction is rooted in subject matter rather than regional geography.

The Federal Circuit's jurisdiction over decisions of the federal district courts is extensive and includes appeals from decisions in several kinds of patent cases. The Federal Circuit has exclusive jurisdiction over appeals from federal district court patent litigation. 28 U.S.C. § 1295.

The Federal Circuit's jurisdiction over federal district court patent cases provided a unique rationale for the Court's creation. In 1982, Congress created the Federal Circuit in substantial part to establish national uniformity in the patent law and to eliminate then inconsistent interpretations and applications of the patent law by the regional circuit courts. See S. Rep. No. 275, 97th Cong., 1st Sess. 2 (1982).

The Federal Circuit's exclusive jurisdiction extends to appeals "from a final decision of a district court of the United States ... if the jurisdiction of that court was based, in whole or in part," on 28 U.S.C. § 1338. Section 1338(a) provides, in part, that district courts shall have original jurisdiction over "any civil action arising under any Act of Congress relating to patents...." Cases generally "arise under" the patent law where (1) at least one claim for relief is based on a patent law cause of action, or (2) resolution of such a claim necessarily depends on resolving a substantial question of patent law.

Thus, the Federal Circuit has exclusive jurisdiction over appeals from final judgments of federal district courts in cases in which a plaintiff patent owner has alleged in its complaint that the defendant is infringing its patent. The correct filings need to be made immediately.


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